

County Clerk Criticized by Grand Jury in Sirhan Case

Letter to Supervisors Cites Probable Misfeasance in Evidence Handling

BY KEN EINSTOSS

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The Los Angeles County Grand Jury Tuesday severely criticized the county clerk's office in its handling of evidence in the assassination of Sen. Robert F. Kennedy. In a scathing, five-page letter sent to the Board of Supervisors, the jury said, in part:

"The Los Angeles County Grand Jury finds the existence of probable misfeasance . . . with respect to the management and operation of the Los Angeles county clerk's office."

(Misfeasance is the performance of a lawful action in an illegal or improper manner or wrong or improper conduct in public office—acts of omission or remission rather than deliberate wrongdoing.)

It was the jury's finding, after a five-day hearing into allegations of possible evidence tampering in the Kennedy case, "that such management, if allowed to continue, can only weaken the integrity and structure of county government . . ."

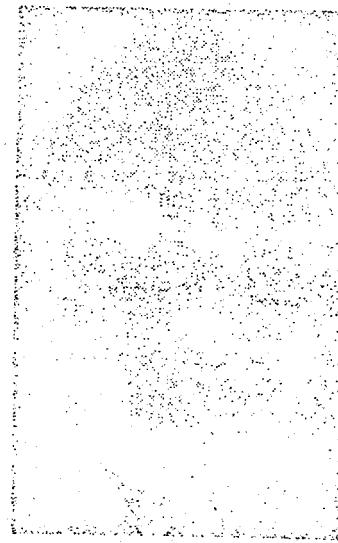
Clerk's Aide Also Named

The letter was signed by jury foreman Leo Epstein and foreman pro tem Christian W. Pianje and was highly critical of County Clerk William Sharp and Peter J. Falmschhoff, chief of Sharp's criminal division.

The matter was taken to the grand jury, according to Dep. Dist. Atty. Richard W. Hecht, because the question of evidence tampering arose during an inquiry into alleged irregularities in the original ballistics investigation that led to the conviction of Sirhan B. Sirhan for the slaying of Kennedy.

Jurors found that tampering had occurred, and that, in fact, some of the exhibits in the original investigation were "tampered with." The exhibits in question were "original, unphotographed, handwritten, original, unphotographed, handwritten evidence."

Numerous pages from two photostatic copies of Sirhan's three so-called "KFP" (Post-It) notebooks—



UNDER FIRE — County Clerk William Sharp, accused in handling of slaying evidence.

both used as court evidence in the case—apparently were taken while in the custody of the clerk's office.

Hecht revealed that two pages are missing from one copy and 23 from another.

In addition, the copy of another notebook is said to be missing in its entirety, but this was not mentioned in the grand jury's letter.

Hecht said he had no knowledge of what happened to the evidence, but he did say he had been advised by the district attorney's office that he had

None of the original notebooks or pages from them is missing.

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Although the grand jury expects to take no criminal action in the case, the investigation into the missing notebook and pages from the two others is continuing, according to Hecht.

At the same time, the jurors revealed that official records in the Jack Kirschke murder case also are "incomplete, inadequate, confusing and, in some instances, simply missing."

Kirschke is the former county prosecutor convicted of murdering his wife and her paramour.

It also has been learned, but not reported by the grand jury, that possible key evidence in several other criminal cases may also be missing.

Specific details on what records or other evidence are missing in the Kirschke and other cases were not available.

Some Reservations

In addition to the Sirhan case—and the allegations of irregularities in the ballistics investigation—the grand jury said that because exhibits in the care of the clerk's office were "handled, examined and photographed by unauthorized persons and mishandled by county clerk exhibit personnel" it had some reservations about the present "integrity" of that evidence.

Sirhan, contacted before he received a copy of the letter, said he had communicated fully with the grand jury and that he had promised the panel he would take any disciplinary action deemed necessary.

He said, however, that his own investigation of the matter determined that none of the evidence in the Sirhan case was mishandled in his office.

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Declines Comment

Later Tuesday, Sharp declined any further comment until he could make a complete study of the grand jury's report.

Meanwhile, the Board of Supervisors ordered an investigation by a special task force to be headed by Arthur G. Will, the county's chief administrative officer.

Board Chairman Warren M. Dorn announced the appointment of Will and ordered the investigation after a telephone conference with a majority of board members.

He said Will's task force was directed to "investigate the organizational structure, safeguards, management practices, competency and adequacy of the upper and middle management personnel of the county clerk's office, giving particular attention to the criminal division (of the clerk's office).

Public Domain

"This order was made without prejudice to or in any way prejudging the merits of the charges.

"The instruction was for a vigorous investigation and a report back to the board at the earliest possible time to make certain the essential services are being provided to the court and the interests of the people of the county of Los Angeles are being safeguarded."

After the grand jury's service on the 1968 panel to the clerk's office Board of Supervisors, Epstein and Pizano obtained from Superior Judge Richard F. C. Hayden an order which in effect makes all the testi-

mony heard by the grand jury in the case public.

Hayden directed that a transcript be prepared and that copies be made available to the Board of Supervisors, district attorney's and clerk's offices and the U.S. Department of Justice.

Epstein said the grand jury believes the testimony taken in the case is of sufficient importance that to keep it sealed would not be in the public interest.

The court orders allegedly violated by the clerk's office were issued on June 7, 1968—two days after Kennedy was shot at the Ambassador—and on May 20, 1969, by Superior Judges Arthur L. Alarcon and Herbert V. Walker, who has retired.

Talmachoff is said to have been present at conferences during which the orders were explained and discussed.

Some of the court orders, according to the grand jury, were not observed and others were ignored or disregarded. Jurors said this included much of the key ballistics evidence now being questioned.

Sharp is reported to have testified before the grand jury that he was not aware of Walker's order until June of this year.

Commenting on this, jurors said Sharp failed to maintain effective communication between himself and his subordinates . . . "in a unique case of historical importance."

"Mr. Sharp's concern with minor details of reform while overlooking major responsibilities is culpable," the jurors said.

Warnings Unheeded

The grand jury also noted that Sharp failed to heed the warnings and recommendations of the 1968 panel.

The present jury said that crowded conditions within the clerk's office "cannot be an excuse for mismanagement."

The 1968 panel suggested that "accelerated attention" be given to the problems of inadequate facilities and said controls over the handling and transfers of exhibits need tightening.

In its letter to the supervisors, the grand jury asked that attention be given to other divisions of the clerk's office because of "the performance of upper management" in the criminal division's handling of the Sirhan matter.

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